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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,498	02/16/2006	Hanne Thorsoe	BJS-550-730	3495
23117 7590 03/22/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
BADR, HAMID R				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
03/22/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicants' remarks/arguments after final rejection filed 3/02/2010 is acknowledged.

These remarks/arguments are entered for appeal purposes.

Response to Arguments

Applicants' arguments have been thoroughly reviewed. These arguments are not deemed persuasive for the following reasons.

1. Applicants argue that R1 does not disclose the incorporation of depolymerized pectin in yogurt.
 - a. R1 discloses the incorporation of stabilizers in the intermediate yogurt mix. R1 further discloses that such stabilizers can be low methoxy and high methoxy pectins. Please see paragraph 1 and 9 of the final Office action. However, R1 is silent regarding the incorporation of depolymerized (low molecular weight pectins) pectin in yogurt. The Office action acknowledges this fact as well. Please see paragraph 10 in the final Office action.
2. Applicants argue that R3 does not disclose a process in which depolymerized pectin is added as a stabilizer prior to the fermentation of a milk product.
 - a. Incorporation of stabilizers, in general, and pectins, in specific, is disclosed by R1. R3 is a teaching reference which does not have to repeat the teachings of the primary reference. Please see paragraph 17-18 of the pending final Office action.
3. Applicants argue that there is no teaching or suggestion in R2 that would have motivated the ordinary skilled person to have incorporated the low molecular weight pectins as a stabilizer in fermented dairy products.

a. R2 clearly teaches that low molecular weight pectins have low viscosity and high solubility which can be used in foods and drinks. The motivation for using such low molecular pectins is to stabilize the drink or product. However, use of low molecular weight pectins in yogurt products is not taught by R2. This fact has been acknowledged in the pending Office action. Please see paragraph 14 of the pending Office action.

4. Applicants argue that R1 in view of R2 and R3 does not disclose the presently claimed invention.

a. A fair reading of R1 teaches of incorporating pectin as stabilizer in yogurt products. R2 discloses the properties of depolymerized pectin for stabilizing effects and viscosity and solubility of such preparations. R 3 finally teaches of incorporating depolymerized pectin in yogurt products.

It should be realized that the rejection is based on an obviousness type rejection and the teachings of the references are not supposed to be exactly the same as the claimed invention. However, their teachings make the presently claimed invention an obvious effort by those of skill in the art.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hamid R Badr
Examiner
Art Unit 1794

/Keith D. Hendricks/

Supervisory Patent Examiner, Art Unit 1794